

## Chapter IX

# **EQUAL OPPORTUNITY IN HOUSING, EMPLOYMENT AND CONTRACTING**

Federal fair housing and equal opportunity laws prohibit discrimination against any person (prospective tenant, homebuyer, employment applicants, employees and businesses) on the basis of race, color, religion, age, familial status, disability, national origin, sex, or any other arbitrary basis. States, local jurisdictions, non-profit organizations and businesses that benefit from federal funding programs are required to prevent discrimination in a wide variety of activities, ranging from selecting tenants and homebuyers to hiring employees and choosing general contractors and subcontractors.

In addition to prohibiting discrimination, fair housing and equal opportunity laws require recipients of federal housing funds to be proactive in encouraging participation in any housing projects or programs funded through federal sources. They must affirmatively market housing, employment and contracting opportunities to minorities, women, and low-income residents and businesses of the community in which the housing is being built or rehabbed.

To comply with these laws, HOME contractors (and their subcontractors) must comply with the requirements described in this chapter. Please note that the term “HOME contractor,” as used in this chapter, refers to both State Recipients and to Community Housing Development Organization (CHDOs). Certain actions, as described in this chapter, are required only for HOME contractors, and others are required for State Recipients, CHDOs, and their subcontractors.

This chapter is intended as a brief overview of the myriad requirements of several federal laws. Due to the significant consequences of non-compliance with these laws, HCD strongly advises HOME contractors to carefully read this chapter, find out more specific requirements by reading the applicable regulations, and resolve any items that are confusing by seeking further information from the HOME Equal Opportunity specialist.

### **EO Requirements for State Recipients and CHDOs**

- HOME contractors must adopt affirmative marketing procedures and requirements for rental and homebuyer projects containing 5 or more HOME-assisted housing units (24 CFR 92.351). The purpose of these marketing procedures is to attract eligible persons to the housing project, without regard to race, color, national origin, sex, religion, familial status or disability. If it is not met, HOME contractors will not be permitted to set up the project in HUD’s accounting and cash management system. These procedures must include the following:

- 1) Methods for informing the public, property owners and potential tenants about federal fair housing laws (i.e., through the use of the fair housing logo or equal opportunity language in marketing materials, posters on office walls, and referrals to fair housing agencies);

(NOTE: It is recommended that State Recipients and CHDOs maintain a file of advertisements, flyers, and other public information communications to demonstrate that the appropriate logo and language have been used.)

- 2) Requirements and practices each property owner must adhere to in order to carry out the affirmative marketing procedures and requirements (i.e., advertising requirements, outreach to community groups);
  - 3) Procedures to be used to inform and solicit applications from persons who are not likely to apply for the housing without special outreach. These efforts might include advertising in non-English language newspapers, targeted outreach through direct mail, informing service agencies about the project, and translators at public meetings (required if the targeted area has more than 25 percent non-English-speaking residents);
  - 4) A description of how the State Recipient or CHDO will maintain records to document actions taken to affirmatively market HOME-assisted units; and
  - 5) A description of how the State Recipient or CHDO will annually assess the success of its affirmative marketing procedures and what corrective actions will be taken when affirmative marketing requirements are not met (i.e., making an annual review of who the program or project is serving to determine whether they are reaching members of protected classes and to determine which marketing vehicle works best to reach persons who might not be likely to apply).
- HOME contractors must adopt procedures to establish and oversee a minority outreach program to ensure, to the maximum extent possible, that minorities and women, and businesses owned by minorities and women (MBE/WBEs) are offered contracts (24 CFR 92.351 and 24 CFR 85.36). If a HOME contractor does not have solicitation lists including minority- and women-owned businesses and does not solicit these businesses, it will not be permitted to set up in the federal accounting and cash management system;
  - HOME contractors must assign housing applicants to dwelling units according to a plan which provides for assignment on a community-wide basis (this is an anti-segregation requirement) (24 CFR 1.4);
  - If the HOME contractor's actions have been found to be discriminatory, additional affirmative actions to overcome the effects of past discrimination must be taken. Even in the absence of such prior discrimination, a HOME contractor should take affirmative

action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin (24 CFR 1.4);

- HOME contractors must prominently display fair housing posters at rental offices and project sites from the beginning of construction through occupancy, or in front of existing multifamily buildings or single-family houses (24 CFR 110.15);
- HOME contractors must develop an Affirmative Fair Housing Marketing Plan in cases where a project is utilizing FHA insurance (24 CFR 200.625)

### **Employment and Contracting Requirements**

Many of the following requirements are contained in the “Standard Equal Opportunity Clause”, included as Appendix IX-C (41 CFR 60-1.4) which must be included in all construction contracts over \$10,000, and the “Standard Federal Equal Employment Opportunity Construction Contract Specifications,” Appendix IX-D (41 CFR 60-4.3), and the “Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity”, Appendix IX-B (41 CFR 60-4.2). All HOME contractors and construction contractors should read these documents carefully and make sure they comply with the requirements.

- Adopt a formal policy concerning nondiscrimination in employment, and designate a person to oversee compliance (41 CFR 60.222 and 41 CFR 60-4.3);
- Notify minority and female recruitment sources both orally and in writing one month prior to the date of acceptance for apprenticeship or other training programs (41 CFR 60-4.3);
- Place minority- and women-owned businesses (MBE/WBEs) on solicitation lists and assure that they are actually solicited (24 CFR 85.36);
- Divide total work requirements into smaller tasks or quantities (when economically feasible) and establish delivery schedules to encourage MBE/WBE participation (24 CFR 85.36);
- Use the services and assistance of the Small Business Administration and Minority Business Development Agency to encourage MBE/WBE participation (24 CFR 85.36);
- Notify unions and training programs, and request their cooperation with Affirmative Action policies and programs (41 CFR 60-1.4);
- HOME contractors must secure a written affirmative action program from all of their contractors and subcontractors (construction and non-construction) if the contract is for at least \$50,000 and the contractor employs at least 50 people. The affirmative action program must include separate goals and timetables for utilization of minority groups and women, and must include an analysis of areas within which the contractor is deficient in

the utilization of minority groups and women, and goals and timetables for correcting the deficiencies (41 CFR 60-2.1);

- All CHDOs, contractors, and subcontractors who have a contract or subcontract in the amount of \$50,000 or more and who have 50 or more employees are required to file an EEO-1 report (Standard Form 100) on an annual basis with the Joint Reporting Commission, under the Direction of the U.S. Equal Employment Opportunity Commission (41 CFR 60-1.7). A sample copy of this reporting form is in Appendix IX-E. State and local governments with HOME contracts are exempt from completing the EEO-1 report (41 CFR 60-1.5). In order to file the EEO-1 report, contractors must follow the reporting instructions found at the following website: <http://www.mimdms.com/jrc.html>;
- All construction and rehabilitation projects in which contracts exceed \$100,000 must comply with Section 3 (24 CFR 135). Section 3 requires employment and other economic benefits generated by HUD assistance to be directed to low- and very low-income persons, to the greatest extent feasible, and to business concerns which provide economic opportunities to low-and very low-income persons. These requirements apply to all State Recipients, CHDOs and all subcontractors that have a contract exceeding \$100,000 for a HOME-funded construction or rehabilitation project (except for provisions of materials that do not include installation). Section 3 goals are:
  - 1) **Employment:** 10% of all new hires each year must be Section 3 residents (low- or very low-income residents of the community where the housing is being built or rehabbed);
  - 2) **Awarding contracts:** 10% of the total dollar amount of all Section 3 covered construction contracts and 3% of the total dollar amount of all Section 3 covered non-construction contracts must be awarded to Section 3 businesses. A Section 3 business is one of the following:
    - A business at least 51% owned by Section 3 residents;
    - A business in which at least 30% of the full-time work force consists of Section 3 residents or people who within 3 years of their first employment with the business had been Section 3 residents; or
    - A business that provides evidence of a commitment to subcontract in excess of 25% of the amount of all subcontracts to Section 3 business concerns that meet the qualifications set forth in either paragraph a or b above;
  - 3) **A contractor that has not met these numerical goals** must demonstrate why it was not feasible to meet them. Such justification may include impediments encountered despite actions taken. A contractor also can indicate other

economic opportunities provided in its efforts to comply with Section 3.

In accordance with Section 3 requirements, State Recipients and CHDOs are required to ensure compliance in their own operations and the operations of their contractors by:

- 1) Implementing procedures designed to notify Section 3 business concerns about contracting opportunities and to notify low- and very low-income residents of the community about employment opportunities;
- 2) Notifying potential contractors of the requirements of this section and incorporating the Section 3 clause (see Appendix IX-F) into all solicitations and contracts;
- 3) Facilitating the training and employment of Section 3 residents by undertaking activities to reach the numeric goals cited above;
- 4) Assisting and actively cooperating with HUD in obtaining the compliance of contractors and subcontractors with the Section 3 requirements, and refraining from entering into any contract with any contractor where the recipient has notice or knowledge that the contractor has been found in violation of Section 3;
- 5) Documenting actions taken to comply with Section 3 requirements, and the results of actions taken and impediments, if any;
- 6) Reporting annually on the number of Section 3 residents that have been hired, and the number of Section 3 businesses that have been contracted with. The Section 3 reporting forms are included in the Annual Performance Report, which is mailed out by the Department on June 1 to all HOME contractors for their completion;
- 7) Where there is a valid allegation of noncompliance with Section 3, the Assistant Secretary of HUD will attempt, through informal methods, to obtain a voluntary and just resolution of the complaint. If informal resolution fails, then the Assistant Secretary will impose a resolution and/or sanctions on the contractor. Sanctions that may be imposed on contractors found not to be in compliance with Section 3 include debarment, suspension and limited denial of participation in HUD programs.

### **Record keeping and Reporting Requirements Related to EO**

- HOME contractors, project developers and owners must keep accurate, up-to-date records (based on census data, applications for assistance, surveys, etc.) of the following, as required by 24 CFR 107.30:

- Race, ethnicity, gender, disability, and age of the target area residents;
  - The location of housing-related activities;
  - Demographic characteristics of all applicants and those who have been selected;
  - The efforts utilized to inform and recruit potential participants; and
  - The criteria for selecting participants.
- Files must also contain documentation of actions which affirmatively promote fair housing, such as targeted outreach efforts, and which establish an administrative procedure for handling housing discrimination complaints;
  - All construction contractors must maintain a file of the names, addresses and telephone numbers of all minority and female employment applicants and whatever action was taken with respect to each individual (41 CFR 60-4.3);
  - All construction contractors must report annually on the results of their efforts to encourage the participation of minorities and women, as required by 41 CFR 60-4.3, and on Section 3 hiring and contracting, as required by 24 CFR 135. The reporting forms are included in the Annual Performance Report, which is mailed out by the Department on June 1 to all HOME contractors for their completion;
  - Within 10 days of contract execution, all contractors must submit a list of all construction subcontractors with contracts over \$10,000 to the applicable area office of the U.S. Department of Labor (DOL), Office of Federal Contract Compliance Programs (41 CFR 60-4.2). See Appendix IX-G for a sample “Contractors’ Notification of Subcontracts Awarded” form. The U.S. Department of Labor, Office of Federal Contract Compliance Programs reviews the information and then may audit a contractor for compliance with the equal opportunity requirements, (such as harassment procedures, female and minority recruiting procedures, etc.), as outlined at 41 CFR 60-4.3;
  - HOME contractors must keep the following records for the most recent five year period, as required by 24 CFR 92.508:
    - 1) Data on applications received from each racial and ethnic group and single-headed households, and on those chosen to participate in or benefit from any program or activity funded in whole or in part with HOME funds;
    - 2) Documentation of actions undertaken to meet the requirements of Section 3;
    - 3) Documentation of actions taken to affirmatively market housing;
    - 4) Documentation of actions taken to comply with affirmative marketing procedures required for projects with 5 or more units; and

- 5) Documentation and data on the steps taken to implement the required outreach to MBE/WBEs, including data indicating the racial/ethnic or gender character of each business receiving a HOME-funded contract or subcontract of \$25,000 or more; the amount of the contract or subcontract; and documentation of the steps taken to assure that MBE/WBEs are encouraged to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services.

## **Contract Requirements**

- HOME contractors must include standard nondiscrimination language in all contracts and subcontracts (see Appendix IX-A). This includes rehabilitation contracts between homeowners and construction contractors;
- All solicitations for bids and contracts/subcontracts issued by the HOME contractor for HOME-funded construction activities in excess of \$10,000 must include the following:
  - 1) The "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" (Appendix IX-B);
  - 2) The Equal Opportunity Clause (Appendix IX-C) (both solicitation for bid and contract/subcontract);
  - 3) The Standard Federal Equal Employment Opportunity Construction Contract Specifications (Appendix IX-D) (both solicitation for bid and all contracts and subcontracts on the HOME project or program).

If the contract/subcontract is for housing rehabilitation costing more than \$10,000 and is between a homeowner and a construction contractor, the above documents need only be referenced by inserting the following phrase: "The construction contractor hereby agrees to abide by the requirements of Executive Order 11246 and all implementing regulations of the Department of Labor."

## **Laws Protecting the Disabled**

Section 504 of the Rehabilitation Act of 1973 (implementing regulations at 24 CFR Part 8) prevents the exclusion of an otherwise qualified individual, solely by reason of his or her handicap, from participation (including employment) under any program or activity receiving federal funds. Disabled persons may not be denied benefits or subjected to discrimination. The federal Fair Housing Act (implementing regulations at 24 CFR Part 100) also provides protection from discrimination in any aspect of the sale or rental of housing to persons with disabilities. The requirements of these two laws are described below.

## **Requirements for Multifamily New Construction Projects**

All new construction projects with 5 or more units must meet the following **Section 504** accessibility requirements:

- Accessible public and common use areas (see 24 CFR 8.3 for a complete definition of “accessible”);
- A minimum of 5 percent of the total dwelling units or at least one unit (whichever is greater) must be made accessible to individuals with mobility impairments; and
- An *additional* 2 percent of the units (but not less than one unit) must be accessible to persons with hearing or vision impairments.

**Per the Uniform Federal Accessibility Standards (UFAS), there are many specifications for accessibility requirements, including those mentioned above, that must be met. The UFAS outlines the requirements, measurements, etc., in detail. Conformance with the UFAS shall be deemed to meet the requirements of 24 CFR 8.**

A copy of the UFAS can be obtained at the following website:  
[http://www.hudclips.org/sub\\_nonhud/cgi/pdfforms/UFAS.pdf](http://www.hudclips.org/sub_nonhud/cgi/pdfforms/UFAS.pdf)

If a new construction multifamily project has 4 or more dwelling units and is built for first occupancy after March 13, 1991, it is also subject to the accessibility and adaptability requirements of the Fair Housing Act (FHA), *regardless of whether it receives federal financial assistance*. Under the Fair Housing Act, the design and construction requirements apply based on the following conditions:

- 1) If the building has an elevator, all of the dwelling units must meet the Fair Housing Act’s design and construction requirements (see below).
- 2) If the building does not have an elevator, all of the ground floor dwelling units must meet the Fair Housing Act’s design and construction requirements.

Section 804 (f)(3)(C) of the Fair Housing Act requires covered multifamily dwelling units be designed and constructed in the following manner:

- 1) The public and common use portions of such dwellings are readily accessible to and usable by disabled persons;
- 2) All the doors designed to allow passage into and within the premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
- 3) All premises within such dwellings shall contain the following features of adaptive design:

- a) An accessible route into and through the dwelling;
- b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- c) Reinforcements in bathroom walls *to allow later installation* of grab bars; and
- d) Usable kitchen and bathrooms such that an individual in a wheelchair can maneuver about the space.

Where two or more accessibility standards apply (such as Section 504 and the Fair Housing Act), the HOME contractor is required to follow and apply both standards so that the maximum accessibility is obtained. The following examples illustrate how these requirements will (or will not) apply:

- A newly constructed 100-unit two-story multifamily housing project (without an elevator) constructed with HOME funds with half of its dwelling units on the ground floor and half on the second floor would be required to have 5 of its ground floor units built to comply with the Section 504 accessibility requirements at 24 CFR 8.22, and the remaining 45 ground floor units built to comply with the Fair Housing Act design and construction requirements at 24 CFR 100.205. An additional 2% of the dwelling units would be required to be accessible for people with vision and hearing impairments in accordance with Section 504.
- A 10-unit new construction multifamily project consisting entirely of *multi-story* rental townhouses constructed with HOME funds is not a “covered multifamily dwelling” for purposes of the design and construction requirements of the Fair Housing Act since none of the dwelling units qualify as ground floor units. However, the project would still have to meet the Section 504 accessibility requirements (5% for mobility impairments and 2% for vision and/or hearing impairments). **NOTE:** A townhouse development of 5 or more *single-story* dwelling units would have to comply with *both* Section 504 and the Fair Housing Act design and construction requirements.

For an in-depth discussion concerning the requirements of Section 504 and the Fair Housing Act and their applicability to housing programs funded by the HOME Program, read HUD Notice CPD 00-09 dated 12/26/00 (Appendix IX-H).

**NOTE:** The HOME Standard Agreements contain a set-up condition requiring all project applicants to submit a certification from the project architect stating that the plans and specifications comply with the Section 504 requirements and the Fair Housing Act requirements. Unless this set-up condition is met, the project will not be permitted to set up in the federal system.

## **504 Requirements for Substantial Rehabilitation of Multifamily Projects with 15 or More Units**

Substantial alterations to existing housing are subject to the same accessibility requirements as for new construction if the project has 15 or more units, **and** the cost of the alterations equals or exceeds 75 percent of the replacement cost of the completed facility.

## **504 Requirements for Other Alterations (Projects of Any Size)**

If dwelling units are altered, the alterations must, to the maximum extent feasible, be made to make the unit accessible, until 5 percent of the units are fully accessible to people with mobility impairments; and if common areas, such as entrances and lobbies, are altered, the alterations must, to the maximum extent feasible, make the common areas accessible to and usable by individuals with disabilities.

## **504 Requirements for Single Family Projects and Programs**

At this time, the Department is in the process of obtaining clarification from the U.S. Department of Housing and Urban Development concerning the practical application of the Section 504 requirements to single family projects and programs. The Department will issue an update once clarification has been received.

## **General Requirements under Section 504**

- The usual standards for ensuring compliance with Section 504 (24 CFR 8) are the Uniform Federal Accessibility Standards (UFAS), although deviations are permitted in specific circumstances. Conformance with the UFAS shall be deemed to comply with the requirements of 24 CFR 8. A copy of the UFAS can be obtained at the following website: [http://www.hudclips.org/sub\\_nonhud/cgi/pdfforms/UFAS.pdf](http://www.hudclips.org/sub_nonhud/cgi/pdfforms/UFAS.pdf);
- Housing owners and managers are required to take appropriate steps to ensure effective communication with disabled applicants, beneficiaries and members of the public. In determining which auxiliary aids are necessary, the owner or manager will give primary consideration to the requests of the individual with disabilities. Where a recipient communicates with applicants by telephone, Telecommunications Devices for Deaf Persons (TDDs) or equally effective communications systems are required to be used;
- Housing owners and managers must make every effort to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. They must also take reasonable non-discriminatory steps to maximize the use of such units by eligible individuals;
- When an accessible unit becomes vacant, the owner or manager must first offer it to a current occupant of the project who requires the accessibility feature. If there is no current occupant who needs an accessible unit, the owner or manager should next offer it

to an eligible qualified applicant on the waiting list who needs the accessibility feature;

- Accessible units must be, to the maximum extent feasible, distributed throughout projects and sites and must be available in a sufficient range of sizes and amenities so as to not limit choice;
- Owners are prohibited from refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas;
- Programs and activities must be readily accessible to and usable by individuals with disabilities, through such methods as moving services to accessible buildings, assigning aides to beneficiaries, altering existing facilities or constructing new facilities;
- All HOME-assisted housing must have a covenant running with the land to assure nondiscrimination for the affordability period;
- State Recipients, CHDOs and owners of HOME-funded projects must remove physical and administrative barriers to employment. State Recipients, CHDOs and owners of HOME-funded projects are also required to make reasonable accommodations to the physical or mental limitations of an otherwise qualified job applicant with disabilities or employee with disabilities, unless they can demonstrate that the accommodation would impose an undue hardship on the operation of the program;
- State Recipients, CHDOs and owners of HOME-funded projects may not use any employment test or other selection criterion that might screen out individuals with disabilities. Pre-employment inquiries may not be made to determine whether the applicant is an individual with disabilities or the nature or severity of a disability, *except* as directly related to an applicant's ability to perform job-related functions;
- State Recipients, CHDOs and owners of HOME-funded projects are required to consult with interested persons, including individuals with disabilities or organizations representing persons with disabilities to evaluate their current policies and practices to determine whether they meet the requirements of Section 504; modify any policies or procedures that do not meet the requirements of Section 504; and take appropriate corrective steps to remedy the discrimination revealed by the self-evaluation. If the State Recipient, CHDO or housing owner employs 15 or more persons, it is required to maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request, the following: 1) a list of interested persons consulted; 2) a description of the areas examined and any problems identified; and 3) a description of any modifications made and of any remedial steps taken for at least three years following the completion of the evaluation;
- State Recipients, CHDOs and owners of HOME-funded projects that employ 15 or more

persons must designate at least one person to coordinate their efforts to comply with Section 504 implementing regulations, must also adopt grievance procedures for complaints alleging any action prohibited by Section 504, and must notify participants, beneficiaries, applicants, employees, and unions that they do not discriminate on the basis of handicap in violation of Section 504.

## **Department's Role in Implementing EO Requirements**

### **Technical Assistance**

The State HOME Program's equal opportunity specialist is available to assist all HOME Contractors in setting up and/or maintaining a comprehensive equal opportunity program in all relevant areas.

### **Monitoring**

The Department is required to monitor all HOME contractors on equal opportunity and fair housing requirements. To accomplish this, the Department shall review the HOME contractor's performance and recordkeeping in the following areas:

- 1) Benefits to minorities, women, and the disabled;
- 2) Fair housing actions;
- 3) Contractor employment and HOME-generated employment;
- 4) Minority- and women-owned business utilization;
- 5) Contract compliance;
- 6) Section 3 training, employment, and contracting opportunities for local residents; and
- 7) Section 504 compliance.

Monitoring will include review of HOME contractor files; discussions with HOME contractor staff; site visits; review of complaints filed with Federal, State or local civil rights agencies, or the courts; and any other activities which will assist in obtaining adequate information.

## **Helpful Websites**

- 1) Code of Federal Regulations:  
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>
- 2) The Uniform Federal Accessibility Standards (UFAS):  
[http://www.hudclips.org/sub\\_nonhud/cgi/pdfforms/UFAS.pdf](http://www.hudclips.org/sub_nonhud/cgi/pdfforms/UFAS.pdf)
- 3) Joint Reporting Committee EEO-1 Report (Standard Form 100):  
<http://www.mimdms.com/jrc.html>

- 4) EEO-1 Report (Standard Form 100) Instruction Booklet:  
<http://www.eeoc.gov/stats/jobpat/e1instruct.html>
- 5) Fair Housing Act information:  
<http://www.hud.gov/offices/fheo/FHLaws/index.cfm><http://www.hud.gov/fhe/fhefhasp.html>
- 6) Section 504 information:  
<http://www.hud.gov/fhe/504/504faq.html>  
<http://www.hud.gov/fhe/504/sect504.html>
- 7) U.S. Department of Housing and Urban Development (HOME Program page):  
<http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>
- 8) Helpful HUD CPD Notices;  
<http://www.hud.gov/offices/cpd/affordablehousing/lawsandregs/notices/index.cfm>

## **Legal References**

- Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall be excluded from participation, denied program benefits, or subjected to discrimination based on race, color, or national origin, under any program or activity receiving federal financial assistance.
- Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, as amended, prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin, and requires HUD to administer its programs in a manner that affirmatively promotes fair housing.
- Section 3 of the Housing and Urban Development Act of 1968, as amended, provides that, to the greatest extent feasible, opportunities for training and employment that arise through federally-financed construction and rehabilitation projects shall be given to lower-income residents of the project area, and that contracts awarded in connection with such projects be awarded to small businesses located in the project area or small businesses owned, in substantial part, by residents of the project area.
- Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual shall, solely by reason of his or her handicap, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funds.
- Section 109 of the Housing and Community Development Act of 1974, as amended, provides that no person shall be excluded from participation or employment, or be denied

benefits, or be subjected to discrimination on the basis of race, color, national origin, or sex, under any program or activity funded in whole or in part under this Title.

- The Age Discrimination Act of 1975, as amended, provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age under any program or activity receiving federal funds.
- The Fair Housing Amendments Act of 1988, as amended, prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, disability or familial status and requires HUD to administer its programs in a manner that affirmatively promotes fair housing.
- Executive Order 11246, as amended, provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in any phase of employment during the performance of federal or federally-assisted construction contracts in excess of \$10,000.
- Executive Order 11063 provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with federal assistance; and in lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the federal government.
- U.S. Office of Management and Budget (OMB) Circular A-102 includes requirements for use of small, minority, and women contractors.
- California Fair Employment and Housing Act provides that no person shall be discriminated against on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status or disability in housing and on the basis of race, color, religion, sex, marital status, national origin, ancestry, age, medical condition, and disability in employment.
- Unruh Civil Rights Act provides for the right to be free from discrimination in public accommodations regardless of sex, race, color, religion, ancestry, or national origin. This Act has been interpreted by the courts to prohibit arbitrary discrimination based on any class distinction, i.e., the presence of children, regardless of whether that basis is enumerated in the Act itself.